

**VIRGINIA BOARD OF PHARMACY  
MINUTES OF BOARD MEETING**

February 10, 2003  
Fifth Floor  
Conference Room 2

Department of Health Professions  
6603 West Broad Street  
Richmond, Virginia 23230

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- CALL TO ORDER:** A meeting of the Board of Pharmacy was called to order at 9:10 a.m.
- PRESIDING:** Carthan F. (Sonny) Currin, Jr., Board Chairman
- MEMBERS PRESENT:** Michael J. Ayotte  
Michelle R. Easton  
Mark A. Oley  
Leo H. Ross  
John G. Selph  
Jackson T. Ward
- MEMBERS ABSENT:** Mark A. Szalwinski
- STAFF PRESENT:** Elizabeth Scott Russell, Executive Director  
Cathy M. Reiniers-Day, Deputy Executive Director  
Ralph A. Orr, Deputy Executive Director  
Howard M. Casway, Assistant Attorney General  
Elaine J. Yeatts, Senior Regulatory Analyst  
Heather L. Womack, Administrative Assistant (business session)  
Donna M. Lee, Administrative Assistant (disciplinary session)
- QUORUM:** With seven members of the Board present, a quorum was established.
- APPROVAL OF AGENDA:** The agenda was approved as presented.
- PUBLIC COMMENTS:** No public comments were received at this time.  
  
Bobby Ison arrived at 9:15 a.m.
- APPROVAL OF MINUTES:** Mr. Currin called for changes or corrections to the minutes of December 3, 2002. The minutes were approved as presented. Mr. Ayotte and Mr. Selph approved the minutes of the January 16, 2003 pilot program hearings.  
  
Willie Brown arrived at 9:22 a.m.
- PUBLIC HEARING:** The Board held a public hearing on proposed regulations 18 VAC 110-20-75 concerning registration for voluntary practice by out-of-state pharmacists. No comments were received at this time. Mr.

Currin stated that all written comments needed to be submitted to the Board no later than February 28, 2003.

**UPDATE ON  
REGULATION PROCESS  
AND LEGISLATION:**

Ms. Yeatts discussed with the Board the updates on the regulation process and legislation. Final regulations for pharmacy technicians become effective February 26, 2003. Technicians will now have a year from that date to register with the Board. The Board will also have to adopt final regulations for voluntary practice by out-of-state pharmacists at the next Board meeting scheduled for April 29, 2003.

Ms. Yeatts presented an update on legislation from the 2003 General Assembly session.

**EXECUTIVE DIRECTOR'S  
REPORT:**

**Report on CSAT training  
on buprenorphine:**

Ms. Russell discussed with the Board the CSAT training seminar she attended on opioid addiction treatment with the use of buprenorphine in a physician office setting outside of an approved narcotic maintenance treatment program. A new law allows approved physicians to write prescriptions for buprenorphine for maintenance or detoxification that may then be filled by any pharmacy.

**Upcoming conferences:**

Ms. Russell reviewed upcoming conferences with the Board

**Change of meeting dates:**

The Board meetings scheduled for April 15, 2003 and September 16, 2003 have been rescheduled for the following dates:  
April 29, 2003- 9:00 a.m.  
September 8, 2003- 9:00 a.m.

**Upcoming changes to the  
website:**

Ms. Russell informed the Board about upcoming design changes to the website to provide links to public service announcements for consumers and information crucial for providers.

**Pharmacy technician  
exam contract update:**

Ms. Russell reviewed the pharmacy technician examination contract with the Board. The examination will be a one-hour test, will cost \$55.00, will be administered at Lasergrade computerized testing centers, and should be available by July 1, 2003.

**Pharmacy technician  
registration process  
update:**

Ms. Russell stated that the Board would begin accepting applications for approval of training programs after February 26, 2003. Although technicians will not be required to register until February 25, 2004, PTCB certified technicians may begin to register anytime after February 26, 2003. Any technician who registers in 2003 will be given a first expiration date of December 31, 2004 to encourage early registration.

**REQUEST FROM  
PHARMACIES  
GRANDFATHERING  
TECHNICIANS THAT  
HAVE ALREADY  
COMPLETED A  
TRAINING PROGRAM:**

The Board discussed whether or not pharmacy technicians could be grandfathered from retaking an approved training program if they had already completed a training program that was subsequently approved by the Board. Mr. Ward moved, and the Board voted unanimously that a technician who had completed a training program prior to Board approval would be considered to have completed an approved program provided the program was subsequently approved by the Board and provided the technician received training in any areas of the “approved” program which were not part of the program initially completed.

**INTERIM UPDATE ON  
STATUS OF  
SANCTIONING STUDY-  
NEAL KAUDER, VISUAL  
RESEARCH:**

Neal Kauder representing Visual Research presented the interim update on the status of sanctioning study to the Board. Mr. Kauder asked the Board to send any comments to Ms. Russell concerning the “blueprint” being designed for the Board of Pharmacy by Monday, February 17, 2003. At the request of Mr. Ayotte, a committee of one representative from each of the special conference committees was appointed to meet with Mr. Kauder to finalize the blueprint.

**FORMAL HEARINGS:**

**BURL M. COMPTON  
Lic. #0202-001391**

A hearing was held in the matter of Burl M. Compton to discuss his petition for reinstatement of his license that was mandatorily suspended on July 17, 2002, and allegations that he may have violated certain laws or regulations governing the practice of pharmacy in Virginia.

Emily Wingfield, Assistant Attorney General, prosecuted the case with the assistance of Tammie D. Hall, Senior Adjudication Analyst. Mr. Compton appeared in person and was not represented by counsel.

Burl M. Compton testified on his own behalf.

**Closed Session:**

Mr. Ayotte moved, and the Board voted unanimously, to enter into closed session pursuant to Section 2.2-3711 (A)(28) of the Code of Virginia for the purpose of consideration and discussion of medical records of Burl Compton that are excluded from the Freedom of Information Act by Virginia Code Section 2.2-3705(A)(5). Additionally, he moved that Scotti Russell, Cathy Reiniers-Day, Howard Casway and Donna Lee attend the closed session because their presence is deemed necessary and will aid the Board in its deliberation.

**Reconvene:**

Mr. Ayotte moved, and the Board voted unanimously, that only public business matters lawfully exempted from open meeting

requirements and only such public business matters as were identified in the motion for closed session were heard, discussed or considered during the closed session.

**Closed Session:**

Mr. Ayotte moved, and the Board voted unanimously, to enter into closed session pursuant to Section 2.2-3711(A)(28) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Burl M. Compton. Additionally, he moved that Scotti Russell, Cathy Reiniers-Day and Howard Casway attend the closed session because their presence is deemed necessary and would aid the Board in its deliberation.

**Reconvene:**

Mr. Ayotte moved, and the Board voted unanimously, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed session were heard, discussed or considered during the closed session.

Mr. Ward moved, and the Board voted unanimously, to accept the Findings of Fact and Conclusions of law as proposed by Ms. Wingfield.

Mr. Ward moved, and the Board voted 6 to 3 that Mr. Compton's license be reinstated. The motion failed, as 7 affirmative votes are necessary to reinstate a pharmacist's license subsequent to a mandatory suspension. Mr. Ward moved, and the Board voted unanimously, that Mr. Compton's license be continued on indefinite suspension for a period of not less than 6 months.

**LEONARD P. CAROTA  
Lic. #0202-006320**

A hearing was held in the matter of Leonard P. Carota to discuss his petition for reinstatement of his license that was mandatorily suspended on December 9, 2002, and allegations that he may have violated certain laws or regulations governing the practice of pharmacy in Virginia.

Emily Wingfield, Assistant Attorney General, prosecuted the case with the assistance of Tammie D. Hall, Senior Adjudication Analyst. Mr. Carota appeared in person and was not represented by counsel.

Ms. Easton stated that she was acquainted with Mr. Carota as he has served as a preceptor at Hampton University. Ms. Easton stated that she would be able to make a fair and impartial decision. Neither Ms. Wingfield nor Mr. Carota objected to Ms. Easton participating in the hearing.

Leonard P. Carota testified on his own behalf.

**Closed Session:**

Mr. Ayotte moved, and the Board voted unanimously, to enter into closed session pursuant to Section 2.2-3711(A)(28) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Leonard P. Carota. Additionally, he moved that Scotti Russell, Cathy Reiniers-Day and Howard Casway attend the closed session because their presence is deemed necessary and would aid the Board in its deliberation.

**Reconvene:**

Mr. Ayotte moved, and the Board voted unanimously, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed session were heard, discussed or considered during the closed session.

Mr. Ward moved, and the Board voted unanimously, to accept the Findings of Fact and Conclusions of law as proposed by Ms. Wingfield.

Mr. Ward moved, and the Board voted unanimously, to deny Mr. Carota's petition for reinstatement of his license, and that his license be continued on indefinite suspension for a period of not less than one year.

Mr. Brown departed the Board meeting at 5:00 p.m.

**CONSENT ORDER:**

**Closed Session:**

Mr. Ayotte moved, and the Board voted unanimously, to enter into closed session pursuant to Section 2.2-3711(A)(28) of the Code of Virginia for the purpose of deliberation to reach a decision regarding a Consent Order. Additionally, he moved that Scotti Russell, Cathy Reiniers-Day, Ralph Orr, Howard Casway and Donna Lee attend the closed session because their presence is deemed necessary and will aid the Board in its deliberations.

**Reconvene:**

Mr. Ayotte moved, and the Board voted unanimously, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed session were heard, discussed or considered during the closed session.

Mr. Ward moved, and the Board voted unanimously, to approve the consent order for Melvin Chalet.

Mr. Ward departed the Board meeting at 5:10 p.m.

**NABP**

Ms. Russell reviewed the changes to the NABP Constitution and Bylaws recommended by the Task Force on the Evaluation and Modification of NABP's Constitution and Bylaws and reviewed by the Executive Committee. Mr. Ayotte moved and the Board voted unanimously to support the 10 recommendations of the task force except for recommendation #4, and that in place of recommendation #4, the Board submit a proposed amendment to the Constitution for reading at the 2003 annual meeting that would require district representatives to be elected by the districts rather than the entire membership.

**ADJOURN:**

With all business concluded, the meeting adjourned at 5:40 p.m.

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Heather L. Womack  
Administrative Assistant

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Donna M. Lee  
Administrative Assistant

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Elizabeth Scott Russell  
Executive Director

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Carthan F. (Sonny) Currin, Jr., Board Chair

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Date